

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES,

-v-

No. 77-CR-00493

ALAN MILLER,

Defendant.

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ORDER

The Court has received a letter from Alan Miller requesting sealing of his 1977 criminal conviction in the above-captioned case. Mr. Miller's letter has been redacted to protect personal contact information and the unredacted version will be filed under seal.

Mr. Miller is not challenging his conviction. Rather, his letter explains that he completed his sentence many years ago and that, given his positive and successful efforts to build a new life since his period of incarceration, he would like to have his conviction sealed. Unfortunately, the Court does not have authority to grant Mr. Miller's request for sealing. Where, as here, a request for sealing is brought years after a valid conviction and completion of the sentence imposed, the court does not have the power to assert jurisdiction over, or grant, requests for sealing of such. Doe v. United States, 833 F.3d 192, 196 n. 1 (2d Cir. 2016) (refusing a motion to "expunge" a criminal conviction on grounds of collateral consequences and post-offense rehabilitation, but explaining the action of the District Court to be overturned was "in effect" a sealing of Doe's criminal conviction). The only federal statute providing for such judicial relief is 18 U.S.C. section 3607, but that statute limits the types of convictions that may be expunged to offenses under section 404 of the Controlled Substances Act (21 U.S.C. § 844.)

Mr. Miller's conviction was not for a violation of this statute. The Court therefore does not have power under current law to exercise jurisdiction over this request or to grant it. Accordingly, Mr. Miller's request is denied.

The Clerk of Court is respectfully directed to mail a copy of this order to Mr. Miller, at the below address.

SO ORDERED.

Dated: New York, New York
January 5, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

Copy to be mailed to:

Alan Miller
9211 SW 117th Ct.
Miami, Florida 33186